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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VICTORIA ROSE, an individual,
Plaintiff,

v.

SMITH'S FOOD & DRUG CENTERS, INC.,
a FOREIGN CORPORATION; ; DOES 1
through 10; and ROE CORPORATIONS 11
through 20, inclusive

Defendants.

CASE NO.: 2:24-cv-00273-JAD-DJA

**STIPULATION AND ORDER TO
AMEND THE SCHEDULNG ORDER
AND EXTEND DISCOVERY
DEADLINES**

(Second Request)

Pursuant to LR 6-1 and LR 26-4, and for good cause shown, the parties, by and through their respective counsel of record hereby stipulate and agree to and jointly move this Honorable Court for an order to continue discovery by forty-five (45) days as indicated below.

A. DISCOVERY COMPLETED TO DATE

The parties have completed the following disclosures and discovery:

1. Defendant FRCP 26.1 Early Case Conference List of Documents and Witnesses served on May 3, 2024.
2. Plaintiff FRCP 26.1 Early Case Conference List of Documents and Witnesses served on May 2, 2024.
3. Defendant First Set of Requests for Production of Documents was served on May 6, 2024.
4. Defendant First Set of Requests for Admissions was served on May 6, 2024.
5. Defendant First Set of Interrogatories was served on May 6, 2024.



6. Plaintiff Answered Defendant's First Set of Requests for Production of Documents on June 6, 2024.
7. Plaintiff Answered Defendant's First Set of Requests for Admissions on June 6, 2024.
8. Plaintiff Answered Defendant's First Set of Interrogatories on June 6, 2024.
9. Plaintiff's First Set of Requests for Production of Documents was served on May 6, 2024.
10. Defendant Answered Plaintiff's First Set of Requests for Production of Documents on June 5, 2024.
11. Plaintiffs' First Supplement to Plaintiff's Early Case Conference Disclosure of Witnesses and Exhibits Pursuant to F.R.C.P. 26(a)(1), Designation of Non-Retained Expert Witnesses, And Designation of Initial Expert Witnesses was served on August 6, 2024.
12. Defendant's Notice of Taking the Deposition of Plaintiff, Victoria Rose was Served on August 6, 2024.
13. Defendant's First Amended Notice of Taking the Deposition of Plaintiff, Victoria Rose was Served on August 12, 2024.
14. Plaintiff, Victoria Rose's Deposition was taken on August 19, 2024.
15. Defendant's Notice of taking the Deposition of Nick Liu, DO was served on September 27, 2024.

B. DISCOVERY REMAINING TO BE COMPLETED

1. Depositions of Defendant's agents;
2. Depositions of treating physicians,
3. Expert depositions;
4. Additional written discovery as necessary;
5. Disclosure of additional documents;
6. Subpoena/Obtain additional documents as necessary;
7. Defendant's FRCP 30(b)(6) depositions;
8. Percipient witness depositions;

9. The parties also anticipate that they may need to conduct other forms of discovery, though not specifically delineated herein, and anticipate doing so only on an as-needed basis.

C. REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES

The parties have been working in a diligent and courtesy manner to complete the discovery and not for the purpose of delay. On September 17, 2024, Defendants serve their Notice of Intent to take the Deposition of Plaintiff's Medical Expert Dr. Liu on September 27, 2024. Plaintiff's counsel was available at the time and had no issue with the date. Four days before the Deposition of Dr. Liu was scheduled to take place, Plaintiff's counsel had a Mediation scheduled to take place on Friday September 27, 2024, in the hopes of resolving another matter which, if mediation was unsuccessful, would have had trial beginning on Monday September 30, 2024. Therefore, the parties Stipulated to continue discovery for forty-five days. The parties do not seek to extend expert deadlines which have already passed and seek only to extend discovery for forty-five days for the purpose of completing necessary discovery in this matter.

A scheduling order can be modified "for good cause and with the judge's consent." FRCP 16(b)(4). "A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted." LR AI 6-1 (a). "District courts should generally allow amendments of pre-trial orders when 'no substantial injury will be occasioned to the opposing party, the refusal to allow the amendment might result in injustice to the movant, and the inconvenience to the court is slight.'" *Campbell Industries v. M/V Gemini*, 619 F.2d 24, 27-28 (9th Cir. 1980) (quoting *Angle v. Sky Chef, Inc.*, 535 F.2d 492, 495 (9th Cir. 1976); *Sherman v. United States*, 462 F.2d 577, 579 (5th Cir. 1972)). Here, as discussed below, there is no dispute among the parties that an extension would cause any injury or injustice, and that a refusal of extension could prejudice the parties. Additionally, although there may be some inconvenience to the Court, no trial date is currently set, and discovery is already ongoing until October 7th. 2024. Therefore, the stipulated request for a modest extension should be granted.

In addition to the discovery that has already taken place as set forth above, the parties





1 have diligently worked to continue to conduct the discovery in an effort to complete the same
2 and prepare for trial.

3 The parties have diligently conducted the discovery and are continuing to work
4 cooperatively to complete the remaining discovery in order to prepare for trial. Good cause exists
5 for modification of the current scheduling order to avoid prejudice to the parties.

6 **D. CURRENT SCHEDULE TO COMPLETE REMAINING DISCOVERY**

7	Amend Pleadings and Add Parties (LR 26-1(b)(2)):	Closed
8	Initial Expert Disclosures (LR 26-1(b)(3)):	Closed
9	Rebuttal Expert Disclosures (LR 26-1(b)(3)):	Closed
10	Discovery Cutoff (LR 26-1 (b) (1)):	October 7, 2024
11	Dispositive Motions (LR 25-1(b)(4)):	November 4, 2024
12	Joint Pre-Trial Order:	December 6, 2024

13 **E. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

14	Motions to Amend or Add Parties:	Closed
15	Initial Expert Disclosures:	Closed
16	Rebuttal Expert Disclosure:	Closed
17	Close of Discovery:	November 21, 2024
18	Dispositive Motion Deadline:	December 19, 2024
19	Joint Pre-Trial Order	January 21, 2025

20 **F. CURRENT TRIAL DATE**

21 No trial is yet scheduled in this matter. A joint proposed pretrial order is due on
22 December 6, 2024, or 30 days following this Court's ruling on any dispositive motions, if filed.
23 The parties seek additional time so that the same proposed pretrial order is due January 21, 2025,
24 or 30 days after this Court's ruling on dispositive motions.

25 **G. REQUEST NUMBER TWO**

26 This is the parties second request for extension of the discovery deadlines.

27 Wherefore, the parties respectfully request that the Court grant this request to extend the
28 discovery deadlines as outlined above.

IT IS SO AGREED.

Respectfully submitted by:

DATED this 23rd day of October 2024.

DATED this 23rd day of October 2024.

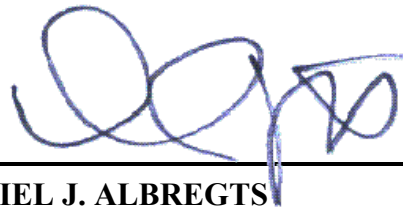
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IT IS SO ORDERED.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATE: 10/24/2024

LADAH LAW
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